

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

FILED

NOV 30 2009

THE ELIJAH GROUP, INC.

Plaintiff

v.

CITY OF LEON VALLEY, TEXAS

Defendant

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DM DEPUTY CLERK

CIVIL NO. SA-08-CA-907-OG

## ORDER

On this date, the Court considered the report and recommendation of United States Magistrate Nancy Stein Nowak, filed on October 2, 2009 (Dkt. # 40). Plaintiff filed objections (Dkt. # 44), Defendant filed a response to the objections (Dkt. # 45) and Plaintiff also filed a reply (Dkt. # 47).<sup>1</sup> The Court has conducted an independent review of the record and has reviewed the applicable law. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The Court concludes that Plaintiff's objections should be OVERRULED and the Magistrate Judge's recommendation should be ACCEPTED in its entirety.

It is therefore ORDERED that the Magistrate Judge's recommendation (Dkt. # 40) is ACCEPTED, the Defendant's motion for summary judgment (Dkt. # 34) is GRANTED and the Plaintiff's motion for summary judgment (Dkt. # 35) is DENIED for the reasons set forth in the recommendation. Final judgment may be entered in Defendant's favor and Plaintiff shall take nothing.

IT IS SO ORDERED this 25 day of November, 2009.

Orlando L. Garcia  
ORLANDO L. GARCIA  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Plaintiff's objections were 25 pages long, and although it seemed excessive to brief these issues any further, the Plaintiff's motion for leave to file a reply brief (Dkt. # 46) is granted, and the Court has considered same.